

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

JERMONT COX, :
Plaintiff, :
: :
v. : : CIVIL ACTION NO. 23-CV-4814
: :
PA. DEPARTMENT OF :
CORRECTIONS, *et al.* :
Defendants. :
:

ORDER

AND NOW, this 19th day of December, 2023, for the reasons stated in the foregoing memorandum and upon the motion of plaintiff Jermont Cox to proceed *in forma pauperis* (Doc. # 1), Prisoner Trust Fund Account Statement (Doc. # 3), and *pro se* Complaint (Doc. # 2), it is
ORDERED that:

1. Leave to proceed *in forma pauperis* is **GRANTED** pursuant to 28 U.S.C. § 1915.
2. Jermont Cox, # CE-8242, shall pay the full filing fee of \$350 in installments, pursuant to 28 U.S.C. § 1915(b), regardless of the outcome of this case. The court directs the Superintendent of SCI Phoenix or other appropriate official to assess an initial filing fee of 20% of the greater of (a) the average monthly deposits to Cox's inmate account; or (b) the average monthly balance in Cox's inmate account for the six-month period immediately preceding the filing of this case. The Superintendent of SCI Phoenix or other appropriate official shall calculate, collect, and forward the initial payment assessed pursuant to this order to the court with a reference to the docket number for this case. In each succeeding month when the amount in Cox's inmate trust fund account exceeds \$10.00, the Superintendent of SCI Phoenix or other appropriate official shall forward payments to the Clerk of Court equaling 20% of the preceding

month's income credited to Cox's inmate account until the fees are paid. Each payment shall refer to the docket number for this case.

3. The Clerk of Court is **DIRECTED** to send a copy of this Order to the Superintendent of SCI Phoenix.

4. The Complaint is **DEEMED** filed.

5. Cox's Complaint is **DISMISSED IN PART WITH PREJUDICE AND IN PART WITHOUT PREJUDICE**, pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii) for the reasons stated in the court's memorandum as follows:

- a. All constitutional claims are **DISMISSED WITH PREJUDICE**.
- b. All state law claims are **DISMISSED WITHOUT PREJUDICE** for lack of subject matter jurisdiction.

6. The Clerk of Court shall **CLOSE** this case.

BY THE COURT:

/s/ Harvey Bartle III

J.